WP(C) 367/2007
BEFORE
HON'BLE MR. JUSTICE D.BISWAS, CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE B.D.AGARWAL

Heard Mr. M Chanda, learned counsel for the petitioner and Mr H Rahman, learned Asstt. Solicitor General of India.

This writ petition has been filed by Sri Dambaru Dhar Pathak seeking a direction to the respondents to release his pay and allowances which have been withheld on the allegation of non-performance of duties.

Mr. Chanda, learned counsel submitted that the petitioner was deputed as Principal of Navodaya Vidyalaya, Kalaigaon, Darrang and worked in the said school on deputation as Principal for the period from 17.10.2001 to 26.5.2003. Despite rendering services, the petitioner has not been paid his pay and allowances.

On such denial of the pay and allowances to the petitioner, he approached the learned Central Administrative Tribunal, Gauhati Bench, Guwahati vide O.A. No. 43/2004. The said application was dismissed vide order dated 12.8.2005 basically on the ground that it is a disputed question whether the petitioner has at all served as Principal of the said school. While dismissing the original application, the learned Tribunal has granted liberty to the petitioner to approach a competent civil Court for appropriate relief. Being aggrieved by the aforesaid order, the present writ application has been filed.

To substantiate the submission that the petitioner had actually served as Principal of the school, the learned counsel for the petitioner has referred to two communications from the school dated 2.11.2001 and

18.11.2002 (Annexure-V and XI respectively). From the aforesaid two documents it is not clear as to whether the petitioner had actually served in the school as Principal or not. Hence, we are of the considered view that the petitioner should be given a liberty to approach the concerned authority for consideration of his claim afresh keeping in mind the aforesaid two communications.

With the aforesaid liberty the writ petition is disposed of. The petitioner shall submit a representation to the respondent No.3 along with all relevant documents. On such submission of representation, the authority concerned shall consider the same within a period of three months. If the authority after proper scrutiny comes to the conclusion that the petitioner had actually rendered his services in the school as Principal, they shall release his pay and allowances in accordance with law.

It is made clear that if the petitioner is not satisfied with the findings of the authority, he may approach the appropriate forum for redressal of his grievances.

The writ petition accordingly stands disposed of.